

Remarks

Claims 1 and 3-43 are pending in the application. Claim 2 has been canceled without prejudice, and claims 4-20 and 22-34 have been withdrawn from consideration pursuant to a restriction requirement by the Examiner. Claims 1, 3, 21 and 35-43 stand rejected. Favorable reconsideration is respectfully requested in view of the following remarks.

The undersigned thanks Examiner Siconolfi for the courtesy of a telephonic interview concerning this application on December 13, 2004.

Claims 1, 3, 21, 35-37, 39 and 41-43 were rejected as being anticipated by Willmann (US 5,044,700). The Applicant respectfully traverses.

Independent claims 1, 42 and 43 all recite a feature that the assisting drive force control device includes “changing means for changing a relationship between said assisting drive force and at least one of an operating force and an operating stroke of said brake operating member, detected at least as a part of said brake operating condition quantity, said relationship being in a normal operation of the braking system with an operation of said brake operating member.”

Independent claims 1 and 42 each recite a further feature that “said changing means includes pressure-reducing means for reducing a pressure of the fluid in said brake cylinder for a given value of said brake operating force, by reducing said assisting drive force to be applied to said pressurizing piston in said first direction, without reducing said primary drive force applied to said pressurizing piston on the basis of said brake operating force.”

Independent claim 35 recites “a master cylinder characteristic control device for controlling an amount of fluid in said pressurizing chamber of said master cylinder, on the basis of said operating condition, to thereby change a relationship between a position of said pressurizing piston relative to said cylinder housing and the fluid pressure in said pressurizing chamber in a normal operation of the braking system, for controlling a fluid pressurizing characteristic of said master cylinder.”

In view of the above, Willmann cannot support the asserted rejection. For example, Willmann is silent at least as to the “changing means ...said relationship being in a normal operation of the braking system” recitation of claims 1, 42 and 43 noted

above. For purposes of clarification, it is noted that “in a normal operation” means “*during* a normal operation.” in other words, the changing means changes the relationship during the usual or ordinary operation of the braking system, as opposed to during anti-skid, traction control, automatic braking, or any other non-normal operations. Willman simply fails to suggest any such feature. Accordingly, claims 1, 42 and 43 are allowable over Willmann for at least the foregoing reason.

Moreover, Willmann is further silent regarding the claimed pressure-reducing means. It is assumed, solely for purposes of discussion and to be responsive to the Office Action, that elements 13, 36, 46 and 51 of Willmann are believed to collectively correspond to the claimed assisting device. However, this collection of elements does not permit reduction of the assisting drive force applied to the piston 12, without releasing brake pedal 1 or without reducing the primary drive force applied to the piston 12 on the basis of the brake operating force. Therefore, claims 1 and 42 are further allowable over Willmann for the foregoing reason.

Willman also fails to suggest the features of independent claim 35. Willmann is silent as to changing the position of the piston 12 for a given travel distance of the pedal rod 2, and therefore fails to suggest changing the amount of fluid in the pressurizing chamber 15 on the basis of the travel distance of the pedal rod 2, to thereby control the relationship between the position of the piston 12 relative to the housing 6 and the fluid pressure in the pressurizing chamber 15. Willmann fails to disclose any means for introducing and discharging the fluid into or out of the pressurizing chamber 15, to reduce or increase the operating stroke of the pressurizing piston 12 for a given value of the fluid pressure in the pressurizing chamber 15. Further, along lines discussed earlier, Willman does not disclose “chang[ing] a relationship between a position of said pressurizing piston relative to said cylinder housing and the fluid pressure in said pressurizing chamber in a normal operation of the braking system” as recited in claim 35.

Claims 38 and 40 were rejected under 35 USC 103(a) as being unpatentable over Willmann in view of Schramm et al. (US 5,954,407). Claim 38 depends on claim 1 and therefore includes the limitations of claim 1. Claim 40 depends on claim 35 and therefore includes the limitations of claim 35. Deficiencies in Willmann with respect to

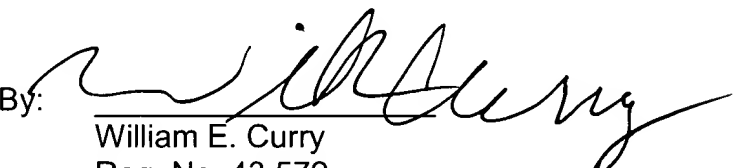
claims 1 and 35 have been outlined above; Schramm et al. does not cure these deficiencies. Therefore, claims 38 and 40 are allowable over Willmann and Schramm et al. for at least the reasons discussed in connection with claims 1 and 35. Withdrawal of the rejection of claims 38 and 40 as unpatentable over Willmann and Schramm et al. is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: DEC. 20, 2004

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201